

PUBLIC SECTOR EQUALITY DUTY Fryerns and Craylands (Phase North) CPO

The Purpose of the report

This report provides an equalities impact assessment of the Compulsory Purchase Order (CPO) for the north phase of the Craylands Estate in Basildon.

In the making of the CPO for the North Phase of the Craylands, Basildon Council must make its decision in line with its Public Sector Equality Duty (PSED) as is laid out in the Equalities Act 2010.

The PSED requires that in the exercise of its functions the Council has regard to eliminate unlawful discrimination, harassment and victimisation to advance equality of opportunity between those with Protected Characteristics and those who do not and to foster good relations between those groups. The Protected Characteristics covered by the Act are detailed later in the report.

The report analyses the potential impacts (both positive and negative) of the CPO on people with Protected Characteristics. Where there are negative impacts, the report details the steps taken by the Council to reduce or mitigate these impacts. To conclude, the report details actions that are being made going forward to further the objectives of the Duty.

Background

The committee reports contain the background to and objectives of the Fryerns and Craylands Regeneration scheme.

Resident engagement

The Fryerns and Craylands regeneration proposals were first proposed in 2005 and a government sponsored 'test of opinion' was conducted by Basildon Council and English Partnerships (now Homes England) the outcome was clear direction from the residents that there were many negative connotations relating to the estate but there was also a good community spirit existing between residents.

A clear message from residents was that the unpopular maisonette blocks should be replaced and the estate should be laid out in a more logical way. Using this information a number of planning exercises were conducted with the residents including a model of the estate that was situated in a 'consultation shop' that was set up by Swan Housing as the Council's development.

This community planning process was key to designing the original master plan for the regeneration of the estate. Since that time, engagement has been constant between the development partners and the local community through regular estate information and consultation. meetings and newsletters. A schedule of community engagement is annexed to this report.

Methodology

Evidence

Desk based evidence and literate review:

To ensure we understood the potential impacts arising from the CPO and the wider redevelopment, and help identify possible mitigations and opportunities associated with the project, we reviewed relevant published literature from government, academic and other sources. This allowed us to characterise potential risks and impacts typically associated with estate redevelopment, to understand whether they applied in this instance.

As well as collating available data on the remaining residents on phase north, we analysed the social and demographic profile of the estate and surrounding area. Making comparisons with the wider Basildon and Essex areas.

Engagement and analysis

To help identify any possible mitigations and opportunities associated with the north phase CPO we contacted all remaining owners and leaseholders in that part of the estate. The initial contact for this exercise was a questionnaire to identify any protected characteristics to the residents. This was followed up by a letter offering a discussion and subsequently we visited those who wished to discuss the matter with us.

Impact Assessment

We examined the potential scale of any potential impacts identified through the research undertaken in the stage above. Assessments of impacts was undertaken in light of sensitivity of the affected parties to the redevelopment and distribution of people with protected characteristics amongst the remaining residents of the North Phase. Both adverse and beneficial impacts were identified.

Using the assessed impacts we reviewed our approach and checked Council policies to ensure we could mitigate against adverse impacts and advantage people where possible.

The affected homes

The initial number of homes within the CPO area affected by the development was 105. Of these 74 were Council tenants and 31 were private owners. Of the private owners Swan Housing has successfully acquired 20 of these through Voluntary negotiations. Of the remaining 11 homes, 7 are inhabited by the owners and the remainder are properties that are rented out by absentee landlords.

Potential Impacts of the Development

Social Infrastructure

Demolition of estates and the resettlement of residents can lead to the risk of loss of social infrastructure and social capital. This can impact on all parts of the community, but can have a disproportionately negative effect on older people, lone parent families and BAME communities. The loss of long-standing community links risks creating feelings of isolation, particularly amongst older people. Age UK research indicates that physical isolation, a lack of social resources and a removal of familiarity can all contribute to feelings of isolation and loneliness amongst older people.

Loss of social networks and cultural and religious facilities can be a particular concern for BAME communities, as well as fears of isolation in new locations. Research by the Joseph Rowntree Foundation suggests that strong social networks can enable disadvantaged populations to get into work and provide a general resiliency. For example, a family network can provide single parents with free childcare, enabling them to get into work; grandparents provide over 40 per cent of childcare for working parents.

Mitigation:

The option to relocate on or close to the estate has been made available to all affected residents. (Please see Mitigation measures for relocation later in this report.)

The Council has helped to facilitate the setting up of the Beechwood Village Community Trust to help foster socio economic benefits and community cohesion on the estate. With Swan the Council has enabled the development of a community trust that aims to:

- Improve the social wellbeing of the community of the region of Basildon, Essex formerly known as Craylands including the part which has been subject to regeneration and renamed as Beechwood Village

The Trust wants to develop a Beechwood Village that:

- Is a place where different community groups live and work together
- Is a welcoming and safe place where all generations can live and meet
- Provides a place where the community can become fully integrated to build a better future for all
- Is a supportive and lively place

The Trust is managed by a board that includes in equal measures, representatives from the local community, Basildon Council, Swan Housing and independent volunteers.

Access to services

In some cases of redevelopment residents may find that, following the announcement of demolition local amenities and services such as shops, community centres and health facilities may close until after regeneration is complete. This can

have a disproportionately negative effect on older people, who may find it more challenging to travel to new services outside of the area. For local businesses, the loss of traditional customer base following the decanting of residents can force closures, further reducing the choice of services available to vulnerable residents. The instability caused by involuntary relocation has the potential to be particularly disruptive to children and young people. Such disruption includes dealing with changing schools, or a longer journey travelling to school. In terms of educational attainment, only 27 per cent of students who move secondary schools three times or more achieve five A* to C grade GCSEs, which is lower than the 60 per cent national average. Other research has indicated that two or more moves before the age of two years old can lead to behavioural problems later in childhood. Involuntary moves can potentially affect employment as people are required to commute for longer.

Mitigation:

A replacement community hall and the relocation of local traders into new shop premises early in the development has ensured local community services for the residents.

The option to relocate in the locality provides assurance that schooling need not be adversely affected.

Access to finance

For those on low incomes, finding suitable alternative accommodation during the decanting phase can be made more difficult by a lack of adequate savings or access to traditional High Street finance. Given that the average cost of moving a family into the private rental sector is £2,000, and that over eight million UK households have no access to savings, this can have significant financial implications for low income households. According to evidence presented to the House of Commons Communities and Local Government Committee, low income ethnic minority households often have limited experience of institutional loan finance. They may also be less able to access commercial loans due to poor credit-ratings or their location in 'high risk' postcodes.

Mitigation:

Compensation payments to tenants provide for a proportion of this to be paid in advance of the move to ensure it is affordable to the poorest residents.

Moving to the private rented sector is not necessary for the vast majority of tenants as the Council has made adequate provision available for all the Council and Housing Association tenants. There are a handful of current private tenants who will probably need further private tenancies and help and support is available to them through the Councils Housing Options Team should they be affected by the CPO.

Appropriate housing

Alternative accommodation may not meet the needs of certain groups such as older people, children and disabled people. For example, overcrowding and poor quality housing can impact on children's health, increasing risk of developing respiratory conditions, infections and psychological problems.

Also, asthmatic children take twice as many sick days off school when compared to those without asthma. Older people and disabled people are also at a greater risk,

given that they tend to spend longer periods of time in the home. People with protected characteristics are most likely to be in poverty, they are also more likely to be living in Council housing. For example, two-fifths of people from ethnic minorities live in low-income households, which is twice the rate of white people. And, typically, 52 per cent of Black African, Black Caribbean, and Black British households live in Council accommodation compared to 24 per cent of White British households.

Mitigation

Basildon Council has invested heavily in its stock and it meets the 'Decent Homes Standard' therefore there is no need for any of the displaced tenants to move to sub-standard accommodation. The Councils' allocations policy is Equalities Act compliant.

The Councils Objectives

The Council is committed to improving equality of services amongst the residents of the Borough. In practice this means ensuring all actions taken by the Council contribute to equality to mitigate the impacts on protected groups.

The Equality Act 2010 updates and combines all previous discrimination legislation with the aim with the aim of reducing socio-economic inequalities by ensuring that certain groups with protected characteristics are supported and protected. Protected Characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership (applicable only to the need to eliminate unlawful discrimination)

The Equality Act establishes the PSED which the Council as a public body is required to follow. The PSED requires that in the exercising of its functions the Council has due regard for the need to:

- Eliminate unlawful discrimination harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a Protected Characteristic and those who do not
- Foster good relations between people who share a Protected Characteristic and those who do not

These are then codified into the following actions:

- Remove or minimize disadvantage suffered by persons who share a relevant Protected Characteristic that are connected to that characteristic
- Take steps to meet the needs of people who share a relevant Protected Characteristic that are different from the needs of the people who do not share it
- Encourage persons who share a Protected Characteristic to participate in public life or in any other activity in which their participation by such persons is disproportionately low.

The wider regeneration aims of the Fryerns and Craylands regeneration schemes are relevant to the achievement of the PSED and the Council's wider equality objectives.

Profile of the leaseholder and homeowners on the north phase.

In November 2017 a personal circumstances questionnaire was delivered to 26 households, the response was poor with only 6 responses. The survey was followed up with home visits and the following information showed:

Protected Characteristics:

Race: BAME community. A higher than average percentage of people are from the BAME Community. Of the 10 Owner Occupiers who replied to the questionnaire 4 are from the BAME community.

Disability: There have been three cases of family members identified with disabilities, one with mobility problems, one with glaucoma and one with sickle cell disease.

Age: One household identified age as an impediment to rehousing having a family member with dementia.

Schooling: One household had two children in full time education.

Language: One household identified language or access requirements.

Potential Impacts on these protected groups

BAME communities

There is a risk that the dispersal of residents to a mixture of locations across the Borough or farther afield, may disproportionately affect people from ethnic minority communities for whom the Estate acts as a focal point for social and cultural life.

Research suggests that the demolition of estates and the resettlement of residents can lead to a loss of social infrastructure and social capital. This can impact on all parts of the community, but can have a disproportionately negative effect on, amongst others, members of BAME communities who may find access to services that meet specific cultural needs more limited or challenging.

Five of the remaining resident leaseholders affected by the CPO are from Black British, Black African or Black Caribbean backgrounds. It has not been possible to identify the ethnicity data of non-resident leaseholders and as such impacts on these affected parties cannot be assessed.

Mitigation

The option to relocate on or close to the estate has been made available to BAME home owners and tenants. (Please see Mitigation measures for relocation later in this report.)

The setting up of the Beechwood Community Trust.

A new community hall has been provided as part of the project together with new shop premises.

Disability

Disabled People may find moving from homes with familiar adaptations difficult or distressing. Culture, community and access to local facilities may also be relevant. Two families have identified disability as an issue and both have also identified as being unable to purchase replacement properties. In both cases they have requested rehousing by the Council.

Mitigation

The Council has adequate stock to facilitate re housing in Council property. These applicants can choose to remain on the estate or be rehoused elsewhere in an area of their choice within the Basildon Borough.

Age

Redevelopment, and the consequent relocation of residents currently on the Craylands Estate has the potential to disproportionately impact upon older people, older people of working age, and particularly those who are of, or who are approaching retirement age. Older people are more likely to lack the financial means and income flexibility that afford younger age groups and those in full-time employment the widest range of homeownership options. There is also the risk that compulsory purchase and relocation would require older people who have savings and investments to use them in order to secure ownership of a new property. And, research has found that older people (particularly those who have paid off a previous mortgage or those with no recent experience of moving home) are more reluctant to move.

Only one of the remaining households has identified as being in this category. The Council's options set out above are designed to mitigate these impacts, especially the affordability of new homes. The household in question are actively considering moving to a home more suited to retirement using the shared equity option.

Other potential impacts for protected groups on the Estate

Continuity of educational environment for children and younger people

Rehousing and resettlement as a result of the redevelopment of housing estates has the potential to disproportionately affect children and young people who are most likely to need convenient and continuous access to education, as well as other facilities that are more likely to use (such as primary healthcare). While children who do need to travel further to reach their school are typically entitled to free bus travel, school moves can disrupt learning, and are sometimes associated with a weaker educational performance at secondary school, particularly amongst children from lower income backgrounds.

As noted above, the Council has set out a number of options to enable new homes for owners and residents to be within or near the Estate. (Please see Mitigation measures for relocation later in this report.)

Personal security and amenity for residents

The redevelopment and in particular the decanting of residents can leave only a limited number of properties occupied so that the remaining residents are likely to be experiencing impacts on their quality of life, with increased personal security risks resulting from the number of vacant properties, dereliction and dead spaces.

Past instances of squatters occupying vacant properties and a proliferation of other illegal activities have been identified by the Council. Research suggests that personal security concerns are often experienced by women, older people, people from BAME backgrounds, lesbian, gay, bisexual, and transgender (LGBT) people and disabled people.

The Council has been decanting permanent tenants from the affected blocks but to ensure vacant properties do not present such a problem, these are being used to temporarily house homeless applicants who are awaiting permanent rehousing by the Council.

The Mitigation measures for relocation

Homeowners

The Borough Council in conjunction with The Developer has devised plans to enable displaced homeowner residents to live as close as possible to their original homes without significant financial disadvantage. The Borough Council has adequate housing stock to house persons who are unable to re locate in private or affordable housing.

All properties in the Order Land have been valued by a RICS registered surveyor. All homeowners have been given the opportunity to take independent valuation advice and have received at least one offer to purchase the property including

statutory payments for loss and disturbance.

Swan has provided 5 options to assist resident homeowners to purchase alternative properties. These are detailed in the enclosed Craylands Homeowners Information Booklet, annexed to this report and are:

- Option 1:** To purchase a property elsewhere including Beechwood on the open market.
- Option 2:** Move into one of the new homes on the new Beechwood development as a shared equity owner.
- Option 3:** To purchase a property on Craylands Estate not due for demolition or a resale property on Beechwood as a shared equity owner.
- Option 4:** To purchase a property in the Basildon Town area as a shared equity owner.
- Option 5:** To purchase a property on the Beechwood Estate on shared ownership terms and conditions.

An information booklet for homeowners was first published in 2006 and re published and updated as The Craylands Homeowners Information Booklet in June 2018 with an addendum in August 2019. The booklet gives advice and options for the relocation of those whose properties are required as part of the redevelopment of the North Phase. A copy of this booklet is annexed to this report.

The Council will, at the least meet its statutory obligations to pay compensation, market value, home loss and disturbance.

The options are designed to help those affected to find suitable replacement homes. However some resident homeowners are in a poor financial position where even with financial help through equity investment they are not able to secure a replacement property on the open market. In these situations the Council and Swan Housing Association will endeavour to help the resident homeowner as much as possible including the provision of public housing. The Council has adequate stock of housing and is confident that such provision can be made.

As at October 2019, 20 homeowners have completed the sale of their property, 2 of these have taken the option to purchase a property on the new Beechwood development on shared equity terms. The remainder chose to move away from the estate.

Tenants

Secure Tenants

As all the affected Council and Housing Association tenants have been re housed to homes of their choice within the estate or surrounding areas or have chosen to live elsewhere in the Borough.

Private tenants of non-resident landlords

Private tenants are likely to experience a short term impact as a result of the need to find new accommodation this could disproportionately affect those with protected characteristics, for example those with young children or older people. This is considered to be partially mitigated by the fact that the relatively high turnover in the short term rental market means that there is likely to be a reasonable supply of appropriate alternative accommodation available in the local area. Further mitigation is provided through the support offered by the Councils Housing Options team in relation to moving home, finding a new property and accessing social rented housing where appropriate. While those elements reduce the impact they do not eliminate it for private tenants with protected characteristics and appropriate steps will be taken to ensure that support is provided in a way that ensures those with protected characteristics find suitable alternative accommodation.

Responses to the mitigation measures

Consultation with the homeowners and private tenants still resident on the Estate has been carried out to gain their views and insights on the CPO and its impact on them in relation to equalities. Ten owners affected by the CPO came forward to complete a survey related to the PSED.

All homeowners have been made financial offers for their properties, residential homeowners have been given the option of a shared equity arrangement. Not all offers have been taken up primarily due to the homeowners in personal and financial circumstances.

The financial value of the offers made by the Council are considered by some homeowners to be insufficient to purchase a replacement property. Others have insufficient equity in the property coupled with a poor credit rating and are unable to afford to purchase a replacement property on shared equity terms.

The Council will continue negotiations to reach a settlement with these residents.

A table of mitigation measures with the lead authority is appended.

Positive Impacts of the regeneration scheme

Estate regeneration improves the quality of housing available within a local area whilst allowing for there to be the addition of new affordable and private housing stock. Such improved housing has the potential to provide well designed, accessible, energy efficient homes that meet the needs of residents. Issues that may have been apparent in pre-existing housing stock, such as damp, overcrowding, poor repair and high running costs, can be resolved. Modern developments are more likely to reflect current good practice in terms of design, and offer an opportunity to 'correct' outdated design decisions. As a result, the redevelopment of an existing site provides an opportunity to improve the layout and landscaping of public open space

and create a better retail offering. Community facilities are therefore likely to be enhanced and improved.

With regards to Council housing stock transferring into housing association ownership, the majority of transfers aim to improve dilapidated housing that stems from neighbourhood decline. Such transfers allow fresh investment to be directed into areas that would benefit from modernisation and restoration. The quality of housing provided is therefore often of a higher quality than previously available.

The redevelopment of the Estate, presents an opportunity to address numerous problems:

The original layout, based on the Radburn principles of design is typified by the separation of pedestrian and vehicle movement and characterised by cul-de-sacs, parking courts and alleyways between houses. The estate had little in the way of meaningful green areas, being largely urban with the exception of small private gardens and some communal spaces. Its' layout and form lent itself to opportunistic crime and anti-social behaviour due to poor natural surveillance of the public realm. It gives rise to a confusion of backs and fronts to houses and there is poor legibility and way finding around the estate.

The estate has a poor reputation within Basildon due to the high incidence of crime and anti-social behaviour on the estate, and is ranked within the top 10% most deprived wards in England and third worst for education

Conclusions

The analysis for the PSED has identified a number of risks or potential impacts that could arise for the residents of the Estate as a result of the CPO, due to their protected characteristics. In summary:

Positive Impacts

The Key positive equality impact is that the CPO will enable redevelopment of the area and the provision of new, high quality, accessible homes. The area will also benefit from the demolition of unpopular maisonettes and will provide a better layout for residents to access and traverse the estate. The provision of the high quality low level homes will have a positive impact on those with protected characteristics especially those with disabilities.

In addition to this the Comprehensive Development agreement that governs the redevelopment includes the obligation to set up a community trust that supports local people with employment and training opportunities as well as making interventions in health and crime and disorder.

Negative Impacts

There are temporary negative impacts resulting from the requirement for residents to move home. These impacts vary across different tenures and could have greater adverse impacts for those with protected characteristics. For example, someone with

mobility issues could find it more difficult to find property accessible to them. The impact on resident owners and leaseholders is mitigated by the re housing options provided by the Council and the developer Swan Housing Association

Overall, it is our conclusion that the Council has taken steps to put appropriate mitigation measures in place, to ensure that the potential for adverse impacts is appropriately managed.

Based on this, key conclusions and recommendations relating to this phase and to future phases of the Estate development are as follows:

Compliance with the Public Sector Equality Duty

The Council must show due regard to the requirements of the PSED (at Section 149 of the Equality Act 2010) in the exercise of its functions regarding the redevelopment of the Estate.

In relation to the activities associated with the redevelopment (primarily focussed on the rehousing of existing tenanted and leasehold residents of the Estate), the Council must be able to demonstrate that it has taken reasonable steps to remove or minimise disadvantages suffered by persons who share a protected characteristic; and take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

The question, therefore, is whether the Council have taken appropriate and proportionate steps to remove or minimise the disadvantages experienced by the remaining residents affected by the CPO on the basis of their protected characteristics.

It is considered that the Council has fulfilled its requirements under the PSED. It has Implemented a range of measures designed to avoid, manage or mitigate the potential effects arising from the CPO process on people with protected characteristics. A key issue appears to the Council to be opportunities to relocate on or near to the existing home, community and services. Meeting this aspect of the equality duty has primarily taken the form of a range of rehousing options that:

- allow existing owners to retain the equity in their property through shared equity options without using all of their savings; and
- allow owners and the Council's tenants to relocate within the Estate or the Borough

Overall, the Council has provided a range of reasonable options that are available to all residents, and that provide opportunities to relocate locally, and to suit individual needs.

Further equality analysis

Subsequent equality analysis will be updated at future stages of the regeneration scheme, responding to any changing processes and other developments associated with the scheme.

Appendices

Basildon Council's Inclusion and Diversity Policy

The aim of this policy is to set out the Council's:

- Objectives for the length of the policy
- Commitment to addressing inclusion, diversity, community cohesion and Human Rights
- Corporate vision for driving inclusion, diversity, community cohesion and Human Rights
- Policy statement

Policy Statement and Objective (2016-2020)

“Basildon Council is actively committed to promoting inclusion and diversity as a community leader and advocate as a service provider and an employer. The Council will actively promote inclusion and diversity through its core business and work to ensure that no person or group of people living, working or visiting the borough will be directly or indirectly discriminated against”

Objective 1: Providing accessibility to Council services

Objective 2: Fostering good relations by working with partners to help build a strong sense of community belonging within neighbourhoods.

Objective 3: Encouraging Communities to play their part in contributing to the pride of the borough and encouraging civic responsibility so that the contributions of individuals or groups to the community is properly valued

Objective 4: deal with discrimination if and when it arises in the workplace, and promote equality of opportunity by ensuring that the Council treats people fairly and equally as an employer so all staff have the opportunity to achieve their aspirations regardless of who they are.

Table – Mitigation summary and lead organisation

Protected Group(s) Affected Negativity	Mitigations or actions required	Lead Organisation
Homeowner may have difficulty accessing suitable accommodation for their needs	The Council should ensure it collects detailed equalities information on resident home owners and assists where required	Basildon Council
Private tenants of non-resident landlords will need to find alternative accommodation	The Council should ensure that the existing programme for supporting private tenants to find suitable accommodation takes specific steps to ensure that those with Protected Characteristics are given additional support to find suitable accommodation in the local area this will require the Council to take steps to ensure that it collects detailed equalities information an existing residents making best use of existing engagements arrangements – for example through housing needs assessments	Basildon Council
Residents who don't have English as their first language may have difficulty understanding the options open to them	Each resident is treated individually and officers from the Council and Swan Housing Association make all efforts to ensure each owner understands all aspects of the offer. Access to translators is available	Basildon Council Swan Housing Association

Protected Group(s) Affected Positively	Mitigations or actions required	Lead Organisation
Homeowners can move to better quality homes	Council and Swan Housing ensure measure such as Equity loans are in place to help residents to bridge the gap between the Craylands Estate house values and the others in the area	Basildon Council Swan Housing Association
Homeowners who are too poor to continue to access further private housing are provided with homes	Where appropriate the Council will provide public housing to residents who clearly cannot continue to buy privately	Basildon Council
Homeowners who choose to live on the estate can access support with training and access to work opportunities	The development partners have set up Beechwood Village Community Trust to provide interventions in education, training, health and crime and disorder.	Beechwood Village Community Trust

Schedule of Community Engagement